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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/586,764

06/23/2008

Noriaki Kumono

KOIKE-01600

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28960 7590 03/26/2010  
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EXAMINER

GORMAN, DARREN W

ART UNIT

PAPER NUMBER

3752

MAIL DATE

DELIVERY MODE

03/26/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/586,764	<b>Applicant(s)</b> KUMONO, NORIAKI	
	<b>Examiner</b> Darren W. Gorman	<b>Art Unit</b> 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/19/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION / Ex parte Quayle**

***Information Disclosure Statement***

1. The IDS filed on July 19, 2006 is hereby acknowledged and has been placed of record. Please find attached a signed copy of the IDS.

***Examiner's Notes***

2. On several occasions between the dates of February 17, 2010 and March 12, 2010 the Examiner attempted to get authorization from the attorney of record, Mr. Jonathan Owens, to correct minor formal issues in the claims via an Examiner's Amendment in order to allow the instant application. After thoroughly discussing the issues with Mr. Owens on February 25, 2010, Mr. Owens stated that such changes would require authorization from the client in Japan. The Examiner waited for one month for the authorization, but no such authorization was made.

***Ex parte Quayle***

3. This application is in condition for allowance except for the following formal matters:  
In the Claims (Minor claim suggestions which merely clarify the claim language without altering the scope of the claims as filed):
  - In claim 2, on line 3, "said bottle" should be replaced with one of either --said holder-- or --said needle--. NOTE: As is clearly disclosed in the specification, there is no relative movement between the bottle and the lid, however there is relative movement between

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the holder/needle assembly and the lid (see specification, for example, in the second paragraph of page 14).

- In claim 6, on line 5, “to open said bottle,” should be deleted because of unnecessary redundancy in the claim.
- In claim 9, on line 5, “to open said bottle,” should be deleted because of unnecessary redundancy in the claim.
- In claim 9, on line 9, “a button casing” should be replaced with --a cap member--.

NOTE: As is clearly disclosed, the “button casing” and “cap member” are one and the same elements (see specification, for example, in the last two paragraphs on page 36).

Thus, in order to provide consistent language in the claim, the Examiner suggests this change.

- In claim 11, on line 3, “said bottle” should be replaced with one of either --said holder-- or --said needle--. (See NOTE above with respect to claim 2)
- In claim 12, on line 2, “the upper surface” should be replaced with --an upper surface-- since this is the first introduction of this recited element in the claim.
- In claim 15, on line 5, “to open said bottle,” should be deleted because of unnecessary redundancy in the claim.
- In claim 15, on line 9, “a button casing” should be replaced with --a cap member--. (see NOTE above with respect to claim 9)
- In claim 17, on line 3, “said bottle” should be replaced with one of either --said holder-- or --said needle--. (See NOTE above with respect to claim 2)

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- In claim 18, on line 2, “the upper surface” should be replaced with --an upper surface-- since this is the first introduction of this recited element in the claim.

4. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements set forth above, or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

***Allowable Subject Matter***

5. Claims 1-18 are allowed.

6. The following is an examiner's statement of reasons for allowance:

The prior art, alone or in combination, did not show or teach a gas ejection device comprising the combination of a needle intruded through a pierced hole formed in a lid of a compressed gas bottle, a holder element holding the needle in facing relation to the lid and moveable towards and away from the lid, a biasing member for biasing the holder towards the lid, and a guide wall section for prohibiting the rotation of the holder and for guiding linear movement of the needle, together with the other recited limitations as set forth in claim 1.

The prior art, alone or in combination, did not show or teach a spraying device comprising a gas bottle cartridge including the combination of a needle passed through a pierced hole formed in a lid of a compressed gas bottle, a holder element holding the needle in facing relation to the lid and moveable towards and away from the lid, a biasing member for biasing the holder towards the lid, and a guide wall section for prohibiting the rotation of the holder and for

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guiding linear movement of the needle, together with the other recited limitations as set forth in claim 7.

The prior art, alone or in combination, did not show or teach a spraying device comprising the combination of a needle piercing through a pierced hole formed in a lid of a compressed gas bottle, a holder for holding the needle in facing relation to the lid for movement towards and away from the lid, a biasing member for biasing the holder towards the lid, and a guide wall section for prohibiting the rotation of the holder and for guiding linear movement of the needle, together with the other recited limitations as set forth in claim 13.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

7 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents to Carmichael et al., Chandler, Sprute and Matsumoto et al. are cited as of interest.

8. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Gorman whose telephone number is 571-272-4901. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on 571-272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Darren W Gorman/  
Primary Examiner, Art Unit 3752